

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-13900 - APPLICANT: DON AHERN -  
OWNER: DFA, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 15, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13896), Site Development Plan Review (SDR-13904), Special Use Permit (SUP-13902), and Special Use Permit (SUP-13903) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow a front yard setback of 10 feet where 20 feet is required, a corner side yard setback of 10 feet where 15 feet is required, and a rear yard setback of 11 inches where 20 feet is required on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard.

**EXECUTIVE SUMMARY**

Staff supports this variance request for front, corner side, and rear yard setbacks as the hardship requiring the variance was not self-imposed. Rather, right-of-way dedication requirements caused the developer to request relief from the applicable Title 19 standards. The overall development meets the intent of applicable plans and documents for the area in which the project is located.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 10/05/06      The Planning Commission recommended approval of companion items ZON-13896, SUP-13903 and SDR-13904 and denial of SUP-13902 concurrently with this application
- 10/05/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/ng).

***B) Pre-Application Meeting***

- 05/15/06      A pre-application meeting with the applicant was held and the following items were discussed:
- Staff informed the applicant of the submittal requirements for the required applications.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres:            2.61

**B) Existing Land Use**

Subject Property: Parking  
North: Mini-Mart  
South: U.S. 95  
East: Sears Service Center  
West: Rental Shop  
Warehouse

**C) Planned Land Use**

Subject Property: Commercial (Downtown Redevelopment Plan)  
North: SC (Service Commercial)  
M (Medium Density Residential)  
South: U.S. 95 ROW  
East: LI/R (Light Industry/Research)  
West: LI/R (Light Industry/Research)

**D) Existing Zoning**

Subject Property: R-E (Residence Estates)  
C-2 (General Commercial)  
North: C-1 (Limited Commercial)  
R-E (Residence Estates)  
South: U.S. 95 ROW  
East: M (Industrial)  
West: C-2 (General Commercial)

**E) General Plan Compliance**

The subject property has a land use designation of Commercial based on the Downtown Redevelopment Plan. If the proposed rezoning to C-2 (General Commercial) is approved, the zoning and the land use designation will be compatible as they both allow for intense commercial (office, retail, etc.) development.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Downtown Redevelopment Plan Area	<b>X</b>	
West Las Vegas	<b>X</b>	
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>	<b>X</b>	
Pioneer	<b>X</b>	
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

Downtown Redevelopment Plan Area

No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to assistance in redevelopment.

West Las Vegas

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The proposed development, at 246 feet, exceeds this height. However, a Special Use Permit (SUP-13903) has been submitted to allow relief from this requirement.

Pioneer Trail

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail.

**ANALYSIS**

***A) Zoning Code Compliance***

**A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	244 Feet, 1 Inch	Y
Min. Setbacks			
• Front	20 Feet	10 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	10 Feet	N
• Rear	20 Feet	11 Inches	N
Max. Lot Coverage	50%	39.2%	Y
Max. Building Height	140 Feet	246 Feet / 18 Stories	N
Trash Enclosure	Gated, Roofed, Constructed of a similar material to the main dwelling	Trellis Covered	Y

This variance has been requested because the subject proposal does not meet the front, corner side, or rear yard setback requirements. The requested front setback represents a 50% deviation from current standards, the corner side is a 33% deviation, and the rear setback is a 95% deviation. Staff supports the variance as they are needed because of required right-of-way dedications along West Bonanza Road and North Martin Luther King Boulevard.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	150,000 SF	1 Space / 300 SF GFA	500			
Retail	19,000 SF	1 Space / 175 SF	109			
Restaurant	1,000 SF	1 Space / 50 SF Public Seating	20			
	2,700 SF	1 Space / 200 SF Remaining	14			
Child Care Center	N/A	1 Space / Staff Person	15			
		1 Space / 10 Children				
TOTAL			658 (including handicap accessible)	14	662 (including handicap accessible)	15

The subject proposal will contain adequate parking to provide for the facilities and uses proposed. Of the total number of spaces, 83 (11%) are compact spaces, 15 are handicap accessible, and two are van accessible spaces. Eighty-one of the spaces are contained at ground level and exterior to the buildings. The remainder of the spaces is contained in a parking structure within the office building.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Space	12 Trees	0 Trees
Buffer:			
• Min. Trees	1 Tree / 30 Linear Feet	41 Trees	51 Trees
• Min. Zone Width	15 Feet		0 Feet

The subject proposal does not meet current Title 19 standards for landscaping in several areas. First, there is no parking area landscaping provided where 12 trees are required. Second, the buffer widths along each property line are not wide enough. Staff can support this Waiver request as the setbacks were reduced due to right-of-way dedication. Additionally, Staff does not find it necessary to provide landscaping along the U.S. 95 right-of-way.

#### ***B) General Analysis and Discussion***

The site plan shows that the applicant is planning to place the proposed buildings along the right-of-way frontages in order to comply with the intent of redevelopment plans for the area: to create an interesting and pedestrian friendly streetscape. The need for the variance from setback standards has arisen because of the 10-foot right-of-way dedications required along the north and east property lines. Therefore, Staff supports the request.

#### **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 23

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 99 by City Clerk

**APPROVALS** 1

**PROTESTS** 1